

Act No. 150 4th REGULAR SESSION—10th ASSEMBLY Aug. 4

Natural Resources—Natural Patrimony Program
(S.B. 1586)

[No. 150]

[Approved August 4, 1988]

AN ACT

To create a Natural Patrimony Program in the Department of Natural Resources; to appropriate the sum of two million (2,000,000) dollars to acquire, restore and manage areas of natural interest identified in the Puerto Rico Natural Patrimony Program, provide for its administration; to establish property tax exemption under certain conditions and for other purposes.

STATEMENT OF MOTIVES

Puerto Rico has a great diversity of plants and animals. Of 28 ecologic formations described by experts, 22 are found in Puerto Rico. Our flora and fauna is rich in species that are only found in Puerto Rico. The flora comprises some 3,200 species of superior plants and the fauna some 229 species of vertebrate animals. The Department of Natural Resources has determined that, of these species, 18 percent of the plants (585) and 33 percent of the animals (99) are critical elements, that is, species that are rare, vulnerable or in danger of extinction. The loss, destruction or deterioration of their habitat is the principal cause of the critical condition of these species.

In view of this situation, the Government of Puerto Rico has initiated a broad and aggressive program to protect the natural patrimony of our people, thus complying with the commitment of "intensifying our efforts to conserve green areas and other precious natural resources for the benefit of future generations", as stated in the Governor's Message on the State of Affairs of the Commonwealth, of February 1, 1988. On making this decision, the importance of protecting these species and the communities that shelter them for the use and enjoyment of future generations of Puerto Ricans, is recognized.

It is further recognized that, in addition to the intrinsic value of nature and the creatures that compose it, these species and their habitats have a present and future value as a source of genetic diversity for the improvement of species of economic importance.

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It recognizes its aesthetic and recreational value as well as the importance of the natural communities as wildlife reserves and to improve and increase water supplies, which are vital for the economic development of the country. The impact and importance on the tourist industry, of the conservation and wise management of natural communities, wildlife and all the natural resources of the country, has not gone unnoticed.

The objective of this Act is to grant the Department of Natural Resources a mechanism that allows the acquisition of areas of great natural value to protect and conserve them for the use and enjoyment of present and future generations of Puerto Ricans. It also has the objective of promoting and strengthening non-government organizations in the country so that they may continue to share the task and responsibility of conserving our resources with the Government. The acquisition of land through the Puerto Rico Natural Patrimony Program will be conducted by using varied and innovative strategies in close coordination between the Commonwealth Government, the Federal Government and private local and foreign organizations. In this manner, it is hereby recognized that the conservation of the natural resources of our Island cannot be achieved if the Government acts alone, but that it is the responsibility of everyone.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—This Act shall be known as the Puerto Rico Natural Patrimony Act and through it, the Puerto Rico Natural Patrimony Program is hereby created in the Department of Natural Resources.

Section 2.—For the purposes of this Act, the following term shall have the meaning stated hereinbelow:

- 1) Department—Department of Natural Resources
- 2) Secretary—Secretary of the Department of Natural Resources
- 3) Program—Puerto Rico Natural Patrimony Program
- 4) Nonprofit Organization—Any private nonprofit institution constituted as such pursuant to the laws of Puerto Rico, that is engaged in the conservation of natural resources.
- * 5) Natural Reservation—Area of natural value that has been declared a Natural Reserve by the Planning Board.
- 6) Area of Natural Value—Land or bodies of water of ecologic importance

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7) Conservation Easement—Lien imposed on a real property for the purpose of guaranteeing the protection and management of a natural resource of recognized value which makes the area worthy to be included in the Program

8) Natural Community—Group of population of flora and fauna that inhabit a place, interact among themselves and with their habitat form a system of composition, structure, environmental relationships, development and functions that are distinctive of and inherent to the system

9) Conservation—Use or management of a natural resource without being detrimental to its nature

10) Agency of the Government of Puerto Rico—The agencies, departments, offices, dependencies, municipalities and public corporations

Section 3.—The program shall have the following goals and objectives: 1) Identify the lands, natural communities and habitats that shelter wildlife, as well as those that are essential for the survival and protection of the species of flora and fauna that are vulnerable or in danger of extinction and any other land that the Program determines should be preserved for their value as a natural resource; 2) Design areas of natural interest that should be protected; 3) Prepare plans for the acquisition and protection of said land; 4) Strengthen nonprofit organizations engaged in the conservation of natural resources, sharing with them the responsibility of acquiring, restoring and managing said resources; 5) Coordinate and make feasible the acquisition, restoration and management of said areas by the Department, Government agency or nonprofit organization.

Section 4.—In order to comply with the objectives of the Program, the Secretary of Natural Resources shall, among other things: 1) Enter into contracts and agreements with agencies of the Commonwealth Government and of the United States Government and with nonprofit organizations for the transfer or management of areas of natural interest; 2) Accept donations of money, as well as real or personal property and rights from persons or private profitable or nonprofit entities; 3) Receive legislative appropriations for the acquisition or management of areas of natural interest; 4) Acquire land through purchase, donation, legacy, exchange, expropriation or other legal manner, from any natural or juridical person, Government agency or agency of the Government of the

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United States of America; 5) Take money on loan for the acquisition of areas of natural value within the provisions of this Act, upon prior authorization of the Office of the Budget and Management; 6) Recommend to the Planning Board the designation of any area included in the inventory of areas of natural interest by the Natural Patrimony Program, as a Natural Reserve.

Section 5.—In order to direct the acquisition and management of the areas of natural interest, the Program shall prepare an inventory which shall include: 1) Areas that shelter species in danger of extinction. 2) Floodable and humid soil, 3) Areas of importance for migratory species and 4) Natural communities. In the drafting of the inventory, the list prepared by the Planning Board indicating those areas that should be conserved or declared as Natural Reserves shall be included. The Program shall establish priorities within said inventory and shall revise it periodically. The Department of Natural Resources shall establish the adequate procedures so that the members of the community can recommend areas to be included in the inventory, furnish information of use for the preparation of the inventory and have access to it within a reasonable period of time.

Section 6.—The moneys of the Program shall be accounted for in the books of the Secretary of the Treasury separate from any other funds that the Department of Natural Resources may receive and without a specific fiscal year. Said funds shall be used for the protection areas of natural interest in Puerto Rico under the custody and the administration of the Secretary of Natural Resources, for the acquisition, restoring and management of the lands included in the inventory prepared by the Natural Patrimony Program.

Section 7.—At least fifty percent of the funds of the Program shall be used to match the funds raised by nonprofit organizations or obtained from Federal programs; Provided, that this limitation shall be in effect only during the first four years of the Program's effectiveness. The Secretary of Natural Resources shall not use the Program's money for any operating or administrative expenses of the Program and/or the Department.

Section 8.—The Secretary may reserve all or part of the economic resources of the Program to be matched with the funds raised by a nonprofit organization, Provided, that in these cases the Secretary shall sign an agreement with said organization committing himself

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to match the funds raised by it during a specific period of time, that includes the conditions established in this Act and any others determined by the Secretary, as well as the guarantees for the recovery of the funds of the Program in the event the nonprofit organization fails to comply with the conditions established in the agreement.

Section 9.—The organization shall exclusively use the funds proceeding from the matching of funds to acquire, restore or manage any or some areas of natural interest included by the Secretary of Natural Resources in the Program and pursuant to the conditions established by him.

Section 10.—All areas totally or partially acquired, conserved and/or restored with the Program's funds shall be managed for the purposes established in this Act.

No deed or interest in any of the areas acquired for these purposes shall be acquired by any agency or government or municipal entity through the eminent domain procedure.

The Department of Natural Resources shall manage the areas or shall enter into a Management Agreement with a nonprofit organization or an Agency of the Government of the Commonwealth of Puerto Rico or the United States of America, Provided, that if the Department of Natural Resources decides to enter into a Management Agreement, it shall give preference to the organization that has acquired the area pursuant to the provisions previously established for the signing of said Agreement.

Section 11.—The Program shall be supported by legislative appropriations and other sources provided by laws or regulations, as well as from any funds received as contributions from private sources. Any donation to the Program made by an individual, corporation or partnership, shall be deductible for tax purposes, subject to the provisions of the Income Tax Act in effect.

The income and interest derived from the investment of the moneys of the Program shall become a part of the economic resources thereof. Any balance remaining in the Program at the end of a fiscal year, shall be kept in the Program to be used in any fiscal year.

Section 12.—The title deed of the areas of natural interest purchased by the nonprofit organization with funds matched by the Program shall be property of the Commonwealth of Puerto Rico and the organization shall be bound to transfer the title deed to

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the Commonwealth of Puerto Rico with no restriction other than a Conservation Easement in behalf of the organization to guarantee the protection and management of the natural resources that made the area worthy of being included in the Natural Patrimony Program. To comply with this provision, the organization shall transfer the title deed to the Commonwealth of Puerto Rico in accordance with the terms stipulated by the Secretary of Natural Resources. The property acquired by the Commonwealth for the purpose of acquiring it pursuant to this Act, be it by a nonprofit organization, by the Program or by any Government agency, shall be exempted from property taxes. This exemption shall be effective on January 1, of the year in which the property is acquired by the nonprofit organization to be transferred to the Program on the date it is bound to transfer it to the Commonwealth. The granting of this exemption shall not be subject to the limitations in surface areas imposed by the Political-Administrative Code on nonprofit organizations to be eligible for property tax exemption. Nothing provided herein shall be understood to the impair requirements provided by law for the acquisition of land by the government agencies and instrumentalities.

Section 13.—The sum of two million (2,000,000) dollars is hereby appropriated to the Department of Natural Resources from unencumbered funds in the Commonwealth Treasury to be used by the Program. In subsequent fiscal years, the funds deemed necessary to carry out the objectives of this Act shall be consigned in the Commonwealth General Budget of Expenses.

Section 14.—An Advisory Council is hereby created to help the Secretary in the administration of the Program and the fiscal resources available for the acquisition and management of areas of natural interest. The Council shall be composed by representatives of the Government Development Bank, the Planning Board, the Lands Administration and the Department of the Treasury, respectively, whom shall be designated as such by the heads of said government agencies. The officials so designated shall represent their respective agencies in a continuous manner while they hold office as such and until their successors are appointed and take office. The Council shall also be composed of five members appointed by the Governor, one of whom shall have vast experience in private banking, and the remaining four shall be persons who have been outstanding for their experience and interest in the

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conservation of natural resources. The initial appointments of the representatives of the private sector shall be made as follows: two for a two-year term and the remaining members for three, four- and five-year terms, respectively. All the members shall be entitled to voice and vote in the affairs of the Council and shall hold office until their successors are appointed. The Advisory Council shall meet as often as it deems necessary to achieve the purposes of this Act, but not less than four times a year. The Council shall adopt by-laws that shall provide for, quorum, its internal organization and the majority required to reach agreements among other things.

Section 15.—The Secretary of Natural Resources shall render an Annual Report to the Governor and to the Legislature of the Commonwealth of Puerto Rico regarding the Natural Patrimony Program of Puerto Rico. Said report shall be rendered no later than September 30 of each year, and shall include a detailed explanation of the income and disbursements during the year and an explanation of the acquisition and management plan proposed for the following year.

Section 16.—As of the effective date of this Act, the Department of Natural Resources shall prepare and keep up to date an inventory of the areas of natural interest that are currently owned by the Commonwealth or of its agencies or instrumentalities. The Secretary of Natural Resources shall render a report to the Governor recommending that said areas or the management thereof be transferred to the Department of Natural Resources for their protection and conservation. The Governor may, through an Executive Order, direct the transfer of the areas of natural interest or provide that the management thereof will be the responsibility of the Department. The transfer of the areas referred to in this Section shall be conducted in accordance with the procedure and subject to the requirements established in the applicable laws and regulations.

Section 17.—The Department shall be responsible for the effective operation of the Program and to such ends, it shall provide office space, equipment, technical and professional personnel and any other assistance or service deemed necessary.

Section 18.—Nothing of what is contained herein shall impair, limit, or invalidate the faculties and powers conferred to the Planning Board and the Environmental Quality Board, respec-

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tively, by Acts number 75 of June 24, 1975, and number 9 of June 18, 1970, as they have been amended.

Section 19.—This Act shall take effect immediately after its approval.

**Agriculture—Regulation and Inspection of Agricultural
Markets; Amendments**

(S.B. 1339)

[No. 151]

[Approved August 4, 1988]

AN ACT

To amend Subsections (c) and (d) of Section 5; add a new Section 5-A and amend Section 7 of Act No. 241 of May 8, 1950 as amended, known as the "Act for the Regulation and Inspection of Agricultural Markets", to empower the Secretary of Agriculture to fix and collect fees for the licenses issued to persons engaged in marketing agricultural products, to detain and inspect agricultural produce cargo, and to establish penalties.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Subsections (c) and (d) of Section 5 of Act No. 241 of May 8, 1950 as amended,²⁰ known as the "Act for the Regulation and Inspection of Agricultural Markets", are hereby amended to read as follows:

"Section 5.—The Secretary of Agriculture shall have the power:

(a)

(c) To require the licensing of all natural or juridical persons engaged in the marketing or the management of facilities for the marketing of farm products, and to fix and collect fees for the licenses issued in accordance with the regulations promulgated for such purpose, and authorized hereby; Provided that such fees shall be fixed by the Secretary in accordance with the declared volume of business as established by Act No. 113 of July 10, 1974 as

²⁰ 5 L.P.R.A. § 124(c), (d).